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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF NEEL
CHATTERJEE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
MOTION TO COMPEL**

Date: June 8, 2017
Time: 10:00 a.m.
Ctm: F, 15th Floor
Judge: Hon. Jacqueline Scott Corley

Trial Date: October 2, 2017

1 I, Neel Chatterjee, declare as follows:

2 1. I am a member of the bar of the State of California and a partner in the law firm
3 Goodwin Procter LLP (“Goodwin”) and counsel of record for Defendant Otto Trucking LLC
4 (“Otto Trucking”). I submit this declaration in support of Defendants’ Opposition to Waymo’s
5 Motion to Compel Production of the Stroz Due Diligence Report. I have personal knowledge of
6 the facts stated herein and, if called as a witness, I could and would testify competently as to these
7 facts.

8 2. The Court’s April 25, 2017 order requires that Defendants’ opposition to Plaintiff
9 Waymo’s Motion to Compel “submit a proper sworn record as to all necessary predicates,” i.e., a
10 sworn record establishing that the essential elements of the attorney-client privilege and/or
11 attorney work product doctrine are met. (Dkt. 271).

12 3. In order to comply with the Court’s order, counsel for Defendants contacted Eric
13 Amdursky of the law firm O’Melveny & Myers LLP (“OMM”) to provide a declaration as part of
14 Defendants’ sworn record as to all necessary predicates. Mr. Amdursky was counsel to
15 Ottomotto LLC (“Ottomotto”) and Otto Trucking in the proposed acquisition of these entities by
16 Uber Technologies, Inc. (“Uber”). I understand that OMM remains counsel to Otto Trucking.

17 4. Mr. Amdursky and, on his behalf, OMM’s general counsel, Martin S. Checov,
18 refused to provide a declaration without the consent of Google, Inc., a current client of OMM,
19 and a sister entity to Waymo LLC (“Waymo”).

20 5. I am aware that opposing counsel represents both Waymo and Google in litigation.
21 I have also seen in house Google litigation attorneys at every legal proceeding I have attended in
22 this matter. In order to obtain Google’s consent, I contacted counsel for Waymo in the above-
23 captioned litigation. As this issue would surely come back to counsel for Waymo on this matter,
24 this seemed like the most streamlined course of action. Counsel for Waymo refused to engage in
25 a meaningful conferral on this request, refused to even approach Waymo or Google and stated
26 that I was “improperly directing Otto Trucking’s concerns regarding OMM’s conduct at us.” A
27 true and correct copy of the email exchange with counsel for Waymo is attached hereto as Exhibit
28 A.

